

REMARKS

This application has been reviewed in light of the Office Action dated November 4, 2002. Claims 1-14 are pending in this application. Claims 1, 4, 13, and 14 have been amended to define still more clearly what Applicant regard as his invention. Claims 1, 13, and 14 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1, 2, 7-11, 13, and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,377,309 B1 (Ito et al.) and separately, Claims 1, 2, 7-11, 13, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by "Satoru et al. (6,173,013 B1)."

Initially, Applicant notes that "Satoru" is the first name of the first-named inventor in European Patent Application EP 1 079 627 A1 (EP '627), his full name being Satoru Wakao. Because the Examiner, at page 3, section 3 of the Office Action, relies upon the specification and claims of the EP '627 and not on U.S. Patent No. 6,173,013 B1 (Suzuki et al.), Applicant presumes in this response that the Examiner intended on rejecting these claims based on EP '627 and not on U.S. Patent No. 6,173,013 B1 (Suzuki et al.), which was the U.S. patent number cited in section 3 of the Office Action in the parenthesis next to the name Satoru et al. Applicant's attorney called the Examiner and left voice mail messages for him on at least November 22, 2002 and February 4, 2003 to discuss this discrepancy but were unable to contact the Examiner before today's due date for responding to this Office Action. Applicant respectfully traverses these rejections, presumably based on Ito et al. and S. Wakao et al. (EP '627).

The Office Action rejected Claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable presumably over EP '627; Claims 5 and 6 as being unpatentable presumably over EP '627 in view of U.S. Patent No. 6,295,380 B1 (Takahasi); and Claim 12 as being unpatentable presumably over EP '627 in view of U.S. Patent No. 6,466,624

B1 (Fogg). Applicant respectfully traverses these rejections.

The independent claims have been amended to recite controlling output of a plurality of hierarchized data in accordance with management data for managing the object included in a bitstream. Applicant has not found anything in EP '627 or Ito et al. that would teach or suggest this feature. Accordingly, the amended independent claims are believed clearly patentable over the cited references.

Applicant points out that EP '627 is not prior art, based on the February 10, 2000 U.S. filing date of the present application. This date is prior to both the publication date (February 28, 2001) and filing date (August 23, 2000) of EP '627. Thus, the rejection based upon "Satoru et al." is improper.

Also, Applicant is preparing a sworn translation of Japanese application 11-039582, from which this application claims benefit under 35 U.S.C. § 119. Applicant will submit this sworn translation shortly to the Patent and Trademark Office. Ito et al. has an effective filing date of January 10, 2000, which is later than the February 18, 1999 filing date of Japanese application 11-039582. Once the sworn translation is filed, Ito et al. will be removed as prior art.

A review of the other art of record including Takahasi and Fogg have failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

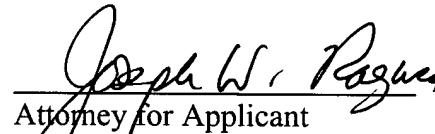
The other rejected claims in this application depend from Claim 1, and, therefore, are submitted to be patentable for at least the same reasons as Claim 1. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

If in fact the Examiner intended to reject Claims 1, 2, 7-11, 13, and 14 on the basis of U.S. Patent No. 6,173,013 B1 (Suzuki et al.), Applicant requests, in case another Office Action is issued in this application rejecting some or all of the claims on that basis, that the next Office Action be marked "Non-Final" in order to give Applicant the opportunity to review and respond to the Examiner's points.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


Attorney for Applicant

Registration No. 38,586

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 324984 v 1

VERSION WITH MARKINGS SHOWING CHANGES TO CLAIMS

1. (Amended) A decoding apparatus comprising:

a) input means for inputting a bitstream obtained by coding a plurality of object data in units of objects and multiplexing the coded data, wherein the bitstream includes management data for managing the plurality of objects, and the plurality of object data are hierarchized;

b) separation means for separating coded data of each object from the bitstream;

c) selection means for selecting a predetermined object from the plurality of objects contained in the bitstream;

d) [decoding] outputting means for decoding the coded data of the object [selected by said selection means] in accordance with the management data and outputting [object] the decoded data; and

e) synthesis means for synthesizing the object data [decoded] outputted by said [decoding] outputting means.

4. (Amended) An apparatus according to Claim 3, wherein

the [bitstream contains] management data is IPMP data that is not scrambled, and said descrambling means descrambles the scrambled bitstream in accordance with [the IPMP] intellectual property data.

13. (Amended) A decoding method comprising the steps of:

inputting a bitstream obtained by coding a plurality of object data in units of objects and multiplexing the coded data, wherein the bitstream includes management data for managing the plurality of objects, and the plurality of object data are hierarchized;

separating coded data of each object from the bitstream;

selecting a predetermined object from the plurality of objects contained in the bitstream;

decoding the coded data of the [selected] object in accordance with the management data and outputting [object] the decoded data; and

synthesizing the [decoded] object data outputted in said decoding step.

14. (Amended) A computer-readable storage medium which stores a program, said program comprising steps of:

a) input processing of inputting a bitstream obtained by coding a plurality of object data in units of objects and multiplexing the coded data, wherein the bitstream includes management data for managing the plurality of objects, and the plurality of object data are hierarchized;

b) separation processing of separating coded data of each object from the bitstream;

- c) selection processing of selecting a predetermined object from the plurality of objects contained in the bitstream;
- d) [decoding] outputting processing of decoding the coded data of the [selected] object in accordance with the management data and outputting [object] the decoded data; and
- e) synthesis processing of synthesizing the [decoded] object data outputted in said outputting processing.

NY_MAIN 325060 v 1